



**Eric Gonzalez**  
District Attorney

**DISTRICT ATTORNEY  
KINGS COUNTY**

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**Jessica Wishart**  
Assistant District Attorney

In connection with the above-named case, the People voluntarily provide the following information regarding:

**MOS NAME:** Nicholas Smith

**MOS TAX:** 953421

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. In addition to any information provided below, disciplinary information regarding this officer may exist online at the following websites: <https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>, <https://nypdonline.org/link/13>, and <https://www.50-a.org>. The People make no representation regarding the accuracy of any information contained on these websites. In addition, the People have provided all lawsuits known to the People through NYPD documents, the NYC Law Department's public website of civil suits filed against officers (<https://www1.nyc.gov/site/law/public-resources/nyc-administrative-code-7-114.page>), and orally relayed to the People by officers. Please note that additional cases may or may not exist on the following public websites: <https://pacer.uscourts.gov/>, <https://iapps.courts.state.ny.us/webcivil/FCASMain>; and <https://iapps.courts.state.ny.us/nyscef/Login>. The People reserve the right to object to the use or introduction of any or all disclosures provided below and any other potential impeachment information.

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**Disclosure # 1:**

THE NYPD ISSUED THE FOLLOWING ALLEGATION(S), DATED 12/03/2012, AGAINST MOS SMTH:

1. LOSS OF I.D. CARD
2. MOS REPORTED TO THE 105 PCT THAT HE REALIZED AFTER EXITING THE BABYLON BOUND LONG ISLAND RAIL ROAD TRAIN AT THE WANTAGH STATION THAT HE HAD LEFT HIS WALLET ON THE SEAT OF THE TRAIN HIS NYPD ID CARD WAS INSIDE OF THE WALLET

DISPOSITION: INVESTIGATION RESULTS INDICATES THAT MOS FAILED TO SAFEGUARD HIS NYPD ID CARD

**Disclosure # 2:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 02/02/2016, AGAINST MOS SMITH:

1. COMPUTER MISUSE

CASE STATUS: CLOSED ON 02/15/2017.

ACTION TAKEN: A COMMAND DISCIPLINE ISSUED.

**Disclosure # 3:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 07/05/2017, AGAINST MOS SMITH:

1. COURT APPEARANCE - NON-APPEARANCE - TRAFFIC VIOLATIONS BUREAU

CASE STATUS: CLOSED ON 11/07/2017.

ACTION TAKEN: A COMMAND DISCIPLINE ISSUED.

**Disclosure # 4:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 04/03/2018, AGAINST MOS SMITH:

1. FAIL TO NOTIFY – SUPERVISOR
2. FAIL TO PREPARE REPORT – STOP QUESTION FRISK REPORT
3. FAIL TO PREPARE REPORT – TRI REPORT
4. DISPUTED STOP OF A PERSON – NO ENFORCEMENT ACTION TAKEN – QUESTIONED AND FRISKED.

CASE STATUS: CLOSED ON 01/16/2019.

ACTION TAKEN: CHARGES AND SPECIFICATIONS

THE NYPD THEN ISSUED THE FOLLOWING CHARGES AND SPECIFICATIONS, DATED 04/27/2018, BASED ON THE ALLEGATIONS:

1. MOS SMITH, ON OR ABOUT SEPTEMBER 27, 2017, AT APPROXIMATELY 0050, WHILE ASSIGNED TO 075 PCT AND ON DUTY, IN THE VICINITY OF NEW LOTS AVENUE AND ATKINS AVENUE, KINGS COUNTY, ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE STOPPED AN INDIVIDUAL KNOWN TO THE DEPARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY

DISPOSITION: GUILTY (TRIAL)

CASE STATUS: CLOSED ON 11/21/2019.

ACTION TAKEN: FORFEITURE OF THREE (3) VACATION DAYS.

**Disclosure # 5:**

THE NYPD ENTERED A DISPOSITION OF MINOR PROCEDURAL VIOLATION, DATED 08/12/2019, AGAINST MOS SMITH:

1. BODY WORN CAMERA - PREMATURE DEACTIVATION

CASE STATUS: CLOSED ON 3/3/20

**Disclosure # 6:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 3/3/20, AGAINST MOS SMITH:

1. REPORT INCOMPLETE/INACCURATE - PROPERTY CLERK INVOICE

CASE STATUS: CLOSED ON 3/20/20

ACTION TAKEN: VERBAL INSTRUCTIONS

**Disclosure # 7:**

**THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT.**

**NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:**

PLAINTIFF	DOCKET	COURT	FILED	DISPOSED	DISPOSITION
Milton Russell	14-CV-1928	E.D.N.Y.	03/26/2014	09/17/2015	Settlement without admission of fault or liability

**BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH MAY 07, 2021, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:**

**Disclosure # 8:**

CCRB CASE: 201708175

REPORT DATE: 10/04/2017

INCIDENT DATE: 09/27/2017

SUBSTANTIATED CCRB ALLEGATION(S):

1. Abuse - Stop  
DISPOSITION: Substantiated (Charges)

OTHER MISCONDUCT NOTED:

1. OMN - Failure to produce stop and frisk report  
DISPOSITION: Other Misconduct

**Disclosure # 9: (PENDING)**

CCRB CASE: 201908395

REPORT DATE: 9/23/2019

INCIDENT DATE: 9/11/2019

PENDING CCRB ALLEGATION(S):

1. FORCE - PHYSICAL FORCE

Eric Gonzalez  
District Attorney  
Kings County